

1714 *sf*

PATENT

(Practitioner's Docket No. IN- 5555)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ulrike RÖCKRATH et al.

Serial No.: 10/049,606

Filed: February 14, 2002

Group Art Unit: not yet assigned

Examiner: not yet assigned

For: COATING MATERIAL AND ITS USE FOR PRODUCING HIGHLY SCRATCH RESISTANT
MULTILAYER TRANSPARENT LACQUERSAssistant Commissioner of Patents
Washington, D.C. 20231CERTIFICATE OF FACSIMILE TRANSMISSIONI hereby certify that the following PAGES are being facsimile transmitted to the Patent and
Trademark Office fax No.: (703) 872-9310 on the date shown below.(X) Communication For Submitting the English Translation
Of The International Preliminary Examination Report
In Triplicate

03 Pages

(X) English Translation Of The International Preliminary
Examination Report

05 Pages

Total Pages

08 Pages

Date: April 23, 2002

Sandra Barry

(Typed or printed name of person signing certification)

Sandra Barry

Signature

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Ulrike RÖCKRATH et al.

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I hereby certify that the following PAGES are being
facsimile transmitted to the Patent and Trademark Office
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Attn: PCT*Sandra Barry*
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GROUP 1700

Official

**COMMUNICATION FOR SUBMITTING THE ENGLISH TRANSLATION OF THE
INTERNATIONAL PRELIMINARY EXAMINATION REPORT**Hon. Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Submitted herewith is a copy of the English Translation of the International
Preliminary Examination Report for the above-mentioned patent application.Applicant believes that no fee is required for submitting the English Translation of the
International Preliminary Examination Report. However, if applicant has inadvertently
overlooked the need for a fee the Commissioner is hereby authorized to charge any
additional fees or credit any overpayment to Deposit Account No. 23-3425.This form is submitted in triplicate.

Respectfully Submitted,

Michael F. Morgan 4-2302
Michael F. Morgan
Registration No. 42,906Date: April 23, 2002
BASF Corporation
26701 Telegraph Road
Southfield, Michigan 48034-2442
(248)-948-2355

Customer No. 25922

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

B'arb:

14. März 2002

FITZNER, Uwe

Linterfer Str. 10

40878 Ratingen

ALLEMAGNE

Frist:

Vtg:

Date of mailing (day/month/year) 06 March 2002 (06.03.02)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference PAT99180PCT ✓	
International application No. PCT/EP00/07990 ✓	International filing date (day/month/year) 16 August 2000 (16.08.00)
Applicant BASF COATINGS AG et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

JP,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

EP,BR

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Juan CRUZ
Facsimile No. (41-22) 740.14.35	Telephone No. (41-22) 336.83.38

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PAT99180PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/07990	International filing date (day/month/year) 16 August 2000 (16.08.00)	Priority date (day/month/year) 16 August 1999 (16.08.99)
International Patent Classification (IPC) or national classification and IPC C09D 151/08		
Applicant BASF COATINGS AG		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u> </u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement</p> <p>VI <input checked="" type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 08 February 2001 (08.02.01)	Date of completion of this report 10 July 2001 (10.07.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP00/07990

1. Basis of the report

1. This report has been drawn on the basis of (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not amended to the report since they do not contain amendments.):

☐ the international application as originally filed.

☒ the description, pages 1-65, as originally filed,
pages _____, filed with the demand,
pages _____, filed with the letter of _____,
pages _____, filed with the letter of _____.

☒ the claims, Nos. 1-17, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. _____, filed with the letter of _____,
Nos. _____, filed with the letter of _____.

☐ the drawings, sheets/fig _____, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 00/07990

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-17	YES
	Claims		NO
Inventive step (IS)	Claims	1-17	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

2. Citations and explanations

D1: WO 00 50178 A (BAUMGART HUBERT; FARWICK THOMAS (DE);
BASF COATINGS AG (DE); ROECK) August 31, 2000

D2: WO 00 26309 A (POTH ULRICH; BAUMGART HUBERT (DE);
FARWICK THOMAS (DE); ZUMBRINK A) May 11, 2000

D3: WO 96 38490 A (BASF LACKE ET FARBEN; BRUENNEMANN
MICHAEL (DE); BORGHOLTE HARALD (D), December 5, 1996

D4: EP-A-0 284 679 (DU PONT) October 5, 1998

D5: US-A-4 873 298 (RYNTZ ROSE A) October 10, 1989

D6: US-A-4 766 185 (RYNTZ ROSE A ET AL) August 23, 1988.

1. D3 to D6 only represent technological background which cannot suggest the present coating material and multilayer transparent lacquer or the associated methods (PCT Article 33(3)).

The present coating materials provide multilayer lacquers with increased scratch resistance, improved adherence, etc., as shown in the tables on pages 61/62 and 64 of the description.

These results are seen as surprising and support the existence of the required inventive step.

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15/03/2002 - 16:42

BASF SOUTHFIELD LEGAL
Dr. Fitzner & Münch → 00012489482093

#3561 P.009

NUMS/b W002b

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 00/07990

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of VI

2. D1 and D2 are intermediate documents.